

House File 2107 - Introduced

HOUSE FILE 2107

BY WINCKLER

A BILL FOR

1 An Act relating to the payment of costs for a psychiatric
2 evaluation of a defendant in a criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 812.3, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. Upon a finding of probable cause sustaining the
4 allegations, the court shall suspend further criminal
5 proceedings and order the defendant to undergo a psychiatric
6 evaluation to determine whether the defendant is suffering a
7 mental disorder which prevents the defendant from appreciating
8 the charge, understanding the proceedings, or assisting
9 effectively in the defense. The costs of the psychiatric
10 evaluation shall be paid by the department of corrections. The
11 order shall also authorize the evaluator to provide treatment
12 necessary and appropriate to facilitate the evaluation. If
13 an evaluation has been conducted within thirty days of the
14 probable cause finding, the court is not required to order
15 a new evaluation and may use the recent evaluation during
16 a hearing under [this chapter](#). Any party is entitled to a
17 separate psychiatric evaluation by a psychiatrist or licensed,
18 doctorate-level psychologist of their own choosing.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to the payment of costs for a psychiatric
23 evaluation of a defendant in a criminal proceeding.

24 Under current law, if at any stage of a criminal proceeding
25 the defendant or the defendant's attorney alleges that the
26 defendant is suffering from a mental disorder which prevents
27 the defendant from appreciating the charge, understanding the
28 proceedings, or assisting effectively in the defense, the
29 court is required to suspend further proceedings and hold a
30 hearing to determine if probable cause exists to sustain the
31 allegations. If the court finds probable cause sustaining
32 the allegations, further criminal proceedings are suspended
33 and the court is required to order the defendant to undergo a
34 psychiatric evaluation to determine whether the defendant is
35 suffering a mental disorder which prevents the defendant from

1 appreciating the charge, understanding the proceedings, or
2 assisting effectively in the defense. The bill requires the
3 department of corrections to pay the costs of the psychiatric
4 evaluation.